

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2125

Introduced by Assembly Member Chiu
(Coauthor: Assembly Member Roger Hernández)

February 17, 2016

An act to add Chapter 14 (commencing with Section 108960) to Part 3 of Division 104 of the Health and Safety Code, relating to nail salons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2125, as amended, Chiu. Healthy Nail Salon Recognition Program.

Existing law regulates the existence of, and disclosure of, specified chemicals and components in consumer products, including phthalates and bisphenol A. Existing law also provides for the licensing and regulation of nail salons and manicurists by the Department of Consumer Affairs.

This bill would require the State Department of Public Health to publish guidelines for cities, counties, and city and counties to *voluntarily* implement local healthy nail salon recognition (HNSR) programs with specified criteria for nail salons, including the use of less toxic nail polishes and polish removers and improved ventilation. The bill would also require the department to develop awareness campaigns, model ordinances for local governments, and post specified information on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) According to the State Board of Barbering and Cosmetology, there are 98,613 licensed manicurists, and 41,830 licensed business establishments providing manicure services. There are 253,571 licensed cosmetologists, many of whom work as nail salon technicians.

(b) Beauty care workers, including cosmetologists and manicurists, are highly exposed to the potential harm of carcinogens and reproductive toxins in cosmetics. Cosmetologists and manicurists are predominantly women and minorities. In California, an estimated 80 percent of nail salons are operated by Vietnamese women.

(c) Nail services are increasing in popularity among consumers. The money consumers spent in nail salons increased from \$7.30 billion in 2012 to \$8.54 billion in 2014.

(d) Chemicals in professional cosmetics can be harmful to salon customers, who increasingly include ~~still-developing younger girls.~~ *prepubescent girls and young women.*

(e) ~~It is well established that endocrine-disrupting~~ *Endocrine-disrupting* chemicals can cause harm at very low levels. Some may enter the body through the skin or cuticle.

(f) Dibutyl phthalate (DBP), included in nail polish to reduce brittleness and cracking, is a reproductive and developmental toxicant that is especially harmful to pregnant women.

(g) Developmental toxicants interfere with proper growth or health of a child, acting at any point from conception to puberty.

(h) Toluene, a solvent found in nail polish, is a developmental and neurological toxicant that causes headaches, dizziness, and nausea, among other symptoms.

(i) Formaldehyde, a chemical that acts as a disinfectant and as a preservative in nail polishes, is a known carcinogen. Exposure to formaldehyde in the short term can irritate the eyes, nose, ~~throat~~ *throat*, and skin, and in the long term exposure can cause asthma.

(j) Alternatives to substances that cause serious harm, including cancer or reproductive toxicity, are readily available for use in cosmetic products. A number of manufacturers, including both small domestic producers and large multinational corporations,

1 have eliminated certain substances that cause cancer or
2 reproductive harm from their products.

3 (k) Some local governments have already adopted successful
4 Healthy Nail Salon Recognition Programs (HNSR programs),
5 including the City and County of San Francisco, the Counties of
6 Alameda, San Mateo, and Santa Clara, and the City of Santa
7 Monica.

8 (l) These local HNSR programs support nail salons that use less
9 toxic products and practices that are safer for workers and their
10 customers.

11 (m) Given the presence of substances in cosmetic products that
12 cause cancer and reproductive toxicity and other serious adverse
13 impacts, the heavy use of these products by women of childbearing
14 age, the increasing use of manicure services among consumers
15 ~~including still-developing younger girls, prepubescent girls and~~
16 ~~young women~~, the significant exposure to these products in
17 occupational settings such as nail and beauty salons, the recently
18 enacted successful local HNSR programs, and the availability of
19 safer alternative products, it is in the interest of the people of the
20 State of California to take steps to ensure that nail salons are given
21 guidelines to operate safely for workers and consumers, support
22 local solutions to reduce potentially harmful chemical exposures
23 among customers and workers, determine the success of the HNSR
24 programs in reducing harmful exposures experienced by nail salon
25 customers and workers, and make recommendations for program
26 improvements, as appropriate.

27 SEC. 2. Chapter 14 (commencing with Section 108960) is
28 added to Part 3 of Division 104 of the Health and Safety Code, to
29 read:

30
31 CHAPTER 14. HEALTHY NAIL SALON RECOGNITION PROGRAM

32
33 108960. (a) The State Department of Public Health ~~shall~~ *shall*,
34 *by January 1, 2018*, publish guidelines *and best practices* for cities,
35 counties, and cities and counties to *voluntarily* implement local
36 healthy nail salon recognition (HNSR) programs.

37 (b) Qualifications for an HNSR program may include, but are
38 not limited to, all of the following:

39 ~~(1) The salon shall choose nail polishes that do not contain~~
40 ~~dibutyl phthalate (DBP), toluene, or formaldehyde.~~

~~(2) The salon shall use safer nail polish removers, including, but not limited to, acetone.~~

~~(3) The salon shall avoid using nail polish thinners unless absolutely necessary. When the salon does use thinners, those products should not contain toluene and methyl ethyl ketone (MEK).~~

(1) The salon shall not use any cosmetic product that contains any of the following:

(A) Any ingredient, as defined in subdivision (d) of Section 111791.5, that is a chemical classified by the United States Environmental Protection Agency as carcinogenic to humans, likely to be carcinogenic to humans, or for which there is suggestive evidence of carcinogenic potential, or identified by the state to cause cancer as listed in the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) list of chemicals known to cause cancer or reproductive toxicity.

(B) Any ingredient, as defined in subdivision (d) of Section 111791.5, that is a reproductive toxicant that causes birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency, or listed in the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) list of chemicals known to cause cancer or reproductive toxicity.

(C) Dibutyl phthalate (DBP), formaldehyde, toluene, or methyl ethyl ketone.

~~(4)~~

(2) The salon shall ensure that all nail salon staff wear nitrile or other gloves determined to be sufficiently protective when using nail products.

~~(5)~~

(3) The salon shall be ventilated to improve air quality. A specific area shall be designated for artificial nail services and that area shall be properly ventilated: ventilated with mechanical ventilation units.

~~(6) The salon shall install mechanical ventilation units within one year of entering the recognition program, if not already in use.~~

~~(7)~~

1 (4) All salon staff, whether on payroll or on contract, and owners
2 shall be trained on safer practices: *practices delineated in the HNSR*
3 *program guidelines.*

4 ~~(8) The salon shall allow appropriate local staff to monitor air~~
5 ~~quality within the salon.~~

6 ~~(9) The salon shall be committed to trying and adopting safer~~
7 ~~artificial nail products.~~

8 ~~(10)~~

9 (5) The salon shall not allow clients to bring in *outside* products
10 for use, unless those products meet the program criteria, as
11 determined by *salon* staff.

12 ~~(11)~~

13 (6) The salon shall be in compliance with Chapter 10
14 (commencing with Section 7301) of Division 3 of the Business
15 and Professions Code.

16 (7) *Any other guidelines or best practices determined by the*
17 *department to further the goals of an HNSR program.*

18 (c) The department shall promote the HNSR program established
19 pursuant to this chapter by doing all of the following:

20 (1) Solicit and support voluntary implementation of HNSR
21 programs through awareness campaigns directed at nail salon
22 business owners and local governments.

23 (2) Develop and implement a consumer education program to
24 promote awareness about HNSR programs.

25 (3) ~~Develop and adopt one or more models for an HNSR~~
26 ~~program or ordinance that local governments may adopt and~~
27 ~~implement to reduce chemical exposure and improve the health~~
28 ~~and safety of consumers and workforce members at nail salons.~~
29 *model ordinances that local entities may adopt to implement an*
30 *HNSR program. The model ordinance shall direct local entities*
31 *to, at a minimum, do all of the following:*

32 (A) *Coordinate with other local HNSR programs to assist*
33 *businesses in achieving and moving beyond regulatory compliance.*

34 (B) *Encourage businesses to implement strategies to reduce*
35 *toxic exposures to chemicals in nail salon products, improve*
36 *ventilation strategies, and achieve greater understanding of*
37 *products and their impacts on health.*

38 (C) *Promote improved community health outcomes, economic*
39 *vitality, and sustainable business approaches.*

1 (D) Require a training element for owners and staff to ensure
2 thorough knowledge of safe and environmentally friendly
3 procedures.

4 (E) Provide an approved seal or certificate upon meeting all
5 requirements to be hung in full public view in the business.

6 (F) Establish a process by which a salon can enroll in an HNSR
7 program and be verified by the local entity.

8 (G) Establish the frequency at which salon compliance will be
9 reverified by the local entity.

10 (4) Consult with the Division of Occupational Safety and Health,
11 representatives of local agencies with existing HNSR programs,
12 personnel of private nonprofit entities who have experience and
13 skills in implementing HNSR programs, and members of affected
14 communities, among others, throughout the development of the
15 model program or ordinance.

16 (5) Develop and either distribute or post on its Internet Web
17 site information for local entities, including, but not limited to,
18 suggestions for successful implementation of HNSR programs and
19 resource lists that include names and contact information of
20 vendors, consultants, or providers of financial assistance or loans
21 for purchases of ventilation equipment.

22 (6) Develop an Internet Web site or a section on the
23 department's Internet Web site that links to county HNSR
24 programs, if the county has an Internet Web site available, and
25 recognized salons. Internet Web sites.

26 (d) The department may prioritize its outreach to those counties
27 that have the greatest number of nail salons and that have the
28 highest pollution burdens and vulnerabilities as determined by
29 CalEnviroScreen.

30 ~~108961. (a) A city, county, or city and county that institutes~~
31 ~~a local HNSR program pursuant to this chapter is encouraged to~~
32 ~~do all of the following:~~

33 ~~(1) Coordinate with other local HNSR programs to assist~~
34 ~~businesses with achieving and moving beyond regulatory~~
35 ~~compliance.~~

36 ~~(2) Encourage businesses to implement strategies to reduce~~
37 ~~toxic exposures to chemicals in nail salon products, improve~~
38 ~~ventilation strategies, and achieve greater understanding of products~~
39 ~~and their impacts on health.~~

- 1 ~~(3) Promote improved community health outcomes, economic~~
2 ~~vitality, and sustainable business approaches.~~
- 3 ~~(4) Provide small businesses with a level and quality of~~
4 ~~consultation on environmentally preferable business practices to~~
5 ~~which small businesses otherwise may have limited access.~~
- 6 ~~(5) Require a training element for owners and staff to ensure~~
7 ~~thorough knowledge of safe and environmentally friendly~~
8 ~~procedures.~~
- 9 ~~(6) Provide an approved seal or certificate upon meeting all~~
10 ~~requirements to be hung in full public view in the business.~~